

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARVEY L. WILBOURN,
Plaintiff,
v.
SHASTA COUNTY JAIL, et al.
Defendants.

No. 2:23-cv-01685 EFB (PC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a prisoner proceeding in this action without counsel. ECF No. 1. On August 28, 2023, the postal service returned mail directed to plaintiff marked: “Undeliverable.” Plaintiff’s Notice of Change of Address was due by November 6, 2023.

A party appearing without counsel must keep the court and all parties apprised of his current address. E.D. Local Rule 183(b). If mail directed to such a plaintiff is returned by the postal service, and plaintiff fails to notify the court and opposing parties within 63 days thereafter of his current address, the court may dismiss the action without prejudice for failure to prosecute. *Id.*

More than 63 days have passed since the postal service returned the mail and plaintiff has not notified the court of his current address.

Accordingly, it is hereby ORDERED that the Clerk of Court randomly assign a district judge to this action. It is further RECOMMENDED that this action be dismissed without

1 prejudice. *See* Fed. R. Civ. P. 41(b); Local Rules 110, 183(b).

2 These findings and recommendations are submitted to the United States District Judge
3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
4 after being served with these findings and recommendations, any party may file written
5 objections with the court and serve a copy on all parties. Such a document should be captioned
6 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
7 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
8 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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10 Dated: May 7, 2024


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE